

**DECEMBER 7, 2007**

**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**PH**

**07 C 6910**

ADRIENNE RIVETT, )  
)  
Plaintiff, )  
)  
vs. ) Civil Action No.  
)  
STANLEY WEINBERG & ASSOCIATES, )  
)  
Defendant. )

**JUDGE PALLMEYER  
MAGISTRATE JUDGE MASON**

**COMPLAINT**

NOW COMES the Plaintiff, ADRIENNE RIVETT, by and through her attorneys, LARRY P. SMITH & ASSOCIATES, LTD., complaining against the Defendant, STANLEY WEINBERG & ASSOCIATES, and alleging as follows:

**PRELIMINARY STATEMENT**

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereafter the "FDCPA"), 15 U.S.C. § 1692 et seq.

**JURISDICTION AND VENUE**

2. Jurisdiction arises under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

**PARTIES**

3. Plaintiff, Adrienne Rivett ("Plaintiff"), is an individual who was at all relevant times residing in the City of St. Louis Park, State of Missouri.

4. At all relevant times herein, Defendant, Stanley Weinberg & Associates, ("Defendant") acted as a debt collector within the meaning of 15 U.S.C. § 1692a(6) in that it held itself out to be a company collecting a debt allegedly owed for an electric bill.

5. Defendant is a corporation that has its principal place of business and its offices located in Lombard, Illinois.

**ALLEGATIONS**  
**COUNT I**  
**VIOLATIONS OF THE FDCPA v. STANLEY WEINBERG & ASSOCIATES**

6. In August of 2007, Plaintiff began receiving telephone calls from Defendant attempting to collect a debt allegedly owed by Plaintiff.

7. Defendant continued to place repeated telephone calls to Plaintiff as often as eight times in one day.

8. In said conversations, Plaintiff was told that if Defendant did not receive immediate payment, Defendant would garnish her wages and that not paying off the debt was considered theft.

9. In October of 2007, Defendant began contacting Plaintiff at her place of employment and told Plaintiff that the calls would continue unless Defendant received a request in writing to no longer contact her at work.

10. To date, Plaintiff has never received anything in writing from Defendant regarding the name of the creditor or the amount of the alleged debt owed by Plaintiff.

11. In its attempts to collect the aforementioned debt, the Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 in one or more of the following ways:

a. Caused a telephone to ring or engaged any person in telephone conversation repeatedly or continuously with intent to annoy, abuse or harass any person at the called number in violation of 15 U.S.C. § 1692d(5);

b. Represented or implied that nonpayment of any debt will result in the

arrest or imprisonment of any person or the seizure, garnishment, attachment or sale of any property or wages of any person unless such action is lawful and the debt collector or creditor intends to take such action in violation of 15 U.S.C. § 1692e(4);

c. Falsely represented or implied that the consumer committed any crime or other conduct in order to disgrace the consumer in violation of 15 U.S.C. § 1692e(7);

d. Used any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer in violation of 15 U.S.C. § 1692e(10);and

e. Within five days of the initial communication, failed to send the consumer written notification containing all of the required information pursuant to the Fair Debt Collection Practices Act in violation of 15 U.S.C. § 1692g.

12. As a result of Defendant's violations as aforesaid, Plaintiff suffered and continues to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiff, ADRIENNE RIVETT, by and through her attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00 for Plaintiff;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

**\*\*\*PLAINTIFF REQUESTS A TRIAL BY JURY\*\*\***

Respectfully Submitted,  
**ADRIENNE RIVETT**

By: /s/ Larry P. Smith  
Attorney for Plaintiff

LARRY P. SMITH & ASSOCIATES, LTD.  
Attorneys for Plaintiff  
205 North Michigan Avenue  
40<sup>TH</sup> Floor  
Chicago, Illinois 60601  
Ph (312) 222-9028  
Fax (312) 602-3911